IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 453 OF 2006

IN

STAMP NUMBER MAIN NO. 1383 OF 2006

SHAIKH ALI USMAN(SIN.DEC.) THROUGH L.RS., ...Applicants

Versus

MEHER KHAN AND 2 ORS., ...Respondents

Mr. A. D. Bhobe, Advocate for the applicants.

Ms. H. Fernandes, Advocate for the respondents.

Coram:- P.V. KAKADE, J.

Date:- 5th December, 2006

P.C.

Heard both sides. This is an application for condonation of delay of 75 days occurred in filing the appeal due to various reasons. including the fact that she was sufferring from arthritis of right knee joint and, therefore, required assistance of a person to move out of the house. After her husband's death, she moved out of the house only when urgent work was to be done. She approached her Advocate sometime in the last week of April, 2006 and she took steps to file the appeal.

The respondents have resisted the application by filing an affdavit, the sum and substance of which is that the applicant was grossly negligent and the appeal has been filed with malafide intention.

In view of the facts and circumstances, the applicant was directed to file an affidavit along with medical certificate which she has filed today, from which I am satisifed that there was sufficient ground to condone the delay. Hence, the application is made absolute in terms of

prayer clause thereof and stands disposed of with no order as to costs.

P.V. KAKADE, J.

ssm.